THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12466 of 1997

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings dated 8.1.1996 issued by the first respondent as arbitrary and illegal.

Pursuant to disciplinary proceedings, petitioner was imposed with punishment of stoppage of two increments with cumulative effect. Aggrieved by the same, he carried the matter in appeal before the second respondent. The second respondent however, modified the punishment of stoppage of two increments with cumulative effect to that of deferment of one annual increment with cumulative effect. Aggrieved by the same, the present writ petition is filed.

There is no necessity of going into all the details. The punishment of stoppage of two increments with cumulative effect is a major punishment and major punishment cannot be imposed without conducting a detailed enquiry into the matter. In this case, on the basis of inspection, petitioner was inflicted with punishment of stoppage of two increments with cumulative effect, which was modified by the appellate authority to that of one annual increment with cumulative effect. Whether it is one increment or two increments, the respondents could not have passed such an order without conducting any enquiry into the matter.

Therefore, the impugned order dated 8.1.1996 and the consequential orders passed by respondents are set aside. However, I am of the opinion that there is no necessity of sending the matter back for re-consideration at this length of time. It is suffice to treat the punishment as stoppage of one increment without cumulative effect

and the petitioner is entitled for notional benefits till date. The actual benefit shall be given to the petitioner with effect from 1.4.2007.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU,

J

Date: 26.3.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12466 of 1997

26.3.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12466 of 1997

Date: 26th March, 2007

Between:

P.Manmadha Rao

.. Petitioner

And

Assistant Work Manager,
Zonal Workshop, APSRTC,
Visakhapatnam & others.

.. Respondents